

FILED 10 FEB 19 13:43 USDC-ORP

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

NATIONAL WILDLIFE FEDERATION, IDAHO
WILDLIFE FEDERATION, WASHINGTON
WILDLIFE FEDERATION, SIERRA CLUB,
TROUT UNLIMITED, PACIFIC COAST
FEDERATION OF FISHERMEN'S
ASSOCIATIONS, INSTITUTE FOR FISHERIES
RESOURCES, IDAHO RIVERS UNITED, IDAHO
STEELHEAD AND SALMON UNITED,
NORTHWEST SPORT FISHING INDUSTRY
ASSOCIATION, SALMON FOR ALL,
COLUMBIA RIVERKEEPER, AMERICAN
RIVERS, INC., FEDERATION OF FLY FISHERS,
and NW ENERGY COALITION,

CV 01-00640-RE
CV 05-0023-RE
(Consolidated Cases)

ORDER

Plaintiffs,

and

STATE OF OREGON,

Intervenor-Plaintiff,

v.

NATIONAL MARINE FISHERIES SERVICE,
U.S. ARMY CORPS OF ENGINEERS, and
U.S. BUREAU OF RECLAMATION

Defendants,

and

STATE OF IDAHO, STATE OF MONTANA,
KOOTENAI TRIBE OF IDAHO, NORTHWEST
IRRIGATION UTILITIES, PUBLIC POWER
COUNCIL, WASHINGTON STATE FARM
BUREAU FEDERATION, FRANKLIN COUNTY
FARM BUREAU FEDERATION, GRANT
COUNTY FARM BUREAU FEDERATION, BPA
CUSTOMER GROUP, and CLARKSTON GOLF
& COUNTRY CLUB,

Intervenor-Defendants.

REDDEN, Judge:

The court has reviewed all of the materials submitted by the parties as well as Federal Defendants' request for a limited, voluntary remand. For the reasons set forth below, I GRANT Federal Defendants' request for a voluntary remand.

The court finds that due to the length of the previous remand, complexity of the existing litigation, and the significant effort by all of the parties throughout this case, there is good cause to allow a limited, voluntary remand. I do not make any formal ruling as to the validity of the 2008 Federal Columbia River Power System Biological Opinion ("2008 BiOp") at this time, and I will review the legal adequacy of the agency actions upon completion of this voluntary remand. Accordingly, I ORDER as follows:

(1) I hereby REMAND the 2008 BiOp and its record to NOAA Fisheries, the Bureau of Reclamation, and the U.S. Army Corps of Engineers ("Agencies") to allow these Agencies to consider, among other actions, integrating the Adaptive Management Implementation Plan and

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its administrative record into the 2008 BiOp.

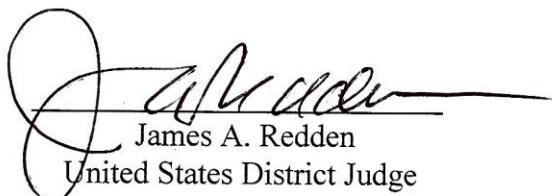
(2) The court will retain jurisdiction over this case while the Agencies comply with this interlocutory remand order.

(3) The Agencies are ordered to complete this voluntary remand within 3 months of entry of this order and will provide notice of completion of remand at that time.

(4) If the Agencies choose to integrate the Adaptive Management Implementation Plan, or any other actions or analyses, into the 2008 BiOp, they will provide the Court and the parties with a supplemental administrative record as soon as practicable.

IT IS SO ORDERED.

DATED this 19 day of February, 2010.



James A. Redden
United States District Judge